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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,823

12/14/2004

Edmund Sander

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12/01/2006

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EXAMINER

YOUNG, EDWIN

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,823	SANDER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edwin A. Young	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the amendment filed 11/07/2006. Claims 5-9 and the specification have been amended. Claims 5-9 are currently pending in this application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by BRUCE (US 4,799,399).

Regarding claim 5, BRUCE teaches a manual transmission for a motor vehicle with a front transverse drive (see Fig. 1), comprising a wheel set (20, 48, 96) having a transmission input shaft (20) and at least two transmission output shafts (48, 96) engaged via a gearwheel (54, 104) with a spur wheel (56) of an axle differential (58), a rotationally fixed connection of at least one loose wheel (60) and gearshift wheel provided on the at least two transmission output shafts with coupling units (66, 82) assigned thereto effected by gearshift forks (see Fig.3 (148,158) and column 6, lines 1-16) arranged displaceably on gearshift axles (140, 168) and selectable and operable via at least one gearshift lever shaft (208), and a common bearing unit configured as a one-piece bearing bridge (26) for at least one of bearing and accommodation of the gearshift axles and the at least one gearshift lever shaft (see Figs. 3 and 9), wherein the bearing

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bridge is arranged between the wheel set (20, 48, 96) and a central opening in the axle differential (58) (see Fig. 1).

Regarding claim 6, BRUCE teaches the manual transmission of claim 5, wherein the bearing bridge (26) is a bearing bridge having two bearing eyes (see Fig. 3 (142) and column 6, lines 22-23) for the gearshift axles (140, 168) and a third eye (see Fig. 9 (211)) for accommodating the gearshift lever shaft (208), said third bearing eye being aligned perpendicular to the two bearing eyes (see Fig. 9).

Regarding claim 7, BRUCE teaches the manual transmission of claim 6, wherein the bearing bridge (26) at least partially covers a differential spur wheel (56) of the axle differential (58) (see Fig. 2).

Regarding claim 8, BRUCE teaches the manual transmission of claim 6, wherein the bearing bridge (26) is a profile element having two fastening straps with an offset on two ends thereof (see fastening straps at top-left and bottom-right of Fig. 7).

Regarding claim 9, BRUCE teaches the manual transmission of claim 8, wherein the bearing bridge (26) at least partially covers a differential spur wheel (56) of the axle differential (58) (see Fig. 2).

### ***Response to Arguments***

Applicant's arguments filed 11/07/2006 have been fully considered but they are not persuasive.

Applicant argues "numeral 26 in the Bruce patent is clearly not a one-piece bearing bridge or a common bearing unit." However, as shown best in Fig. 3 of the

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Bruce patent, the bearing bridge (26) is considered to be a one-piece unit. Bearing bridge (26) is a one-piece element supporting the left-hand-side of shaft (140).

Applicant further argues “numeral 26 in the Bruce patent...[is not] arranged between the wheel set and a central opening in the axle differential. However, Fig. 1 clearly shows element (26) as being between the wheel set and a central opening in the axle differential.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a one-piece common bearing unit which is not a housing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. Young whose telephone number is 571-272-4781. The examiner can normally be reached on M-TH 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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